

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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	:	
STANLEY JACKSON,	:	
Petitioner,	:	
	:	03 Civ. 6987 (DLC)
-v-	:	
	:	<u>ORDER</u>
WILLIAM PHILLIPS, Superintendent,	:	
Greenhaven Correctional Facility,	:	
	:	
Respondent.	:	
	:	
-----	X	

DENISE COTE, District Judge:

Petitioner Stanley Jackson filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 on September 10, 2003, challenging his conviction at trial in a New York state court in 1998. That petition was denied in an Opinion dated October 11, 2006, which adopted the report and recommendation issued on April 11, 2006 by Magistrate Judge Ellis. Jackson v. Phillips, No. 03 Civ. 6987(DLC), 2006 WL 2930202 (S.D.N.Y. Oct. 11, 2006). On October 30, 2006, Jackson filed a notice of appeal. The Court of Appeals denied Jackson's motion for a certificate of appealability and for in forma pauperis status on May 30 2007, and the mandate of the Court of Appeals issued on October 4, 2007.

After Jackson's petition for a writ of habeas corpus was denied in 2006, Jackson has repeatedly moved for reconsideration

of that denial. Jackson has filed five motions for relief from judgment pursuant to Fed. R. Civ. P. 60(b), each of which was denied as meritless. On December 7, 2020, Jackson moved for reconsideration for the sixth time. The petition moves for reconsideration under Rule 60(b)(6), which allows a court to "relieve a party . . . from a final judgment, order or proceeding for . . . any other reason that justifies relief."

This motion for reconsideration must be dismissed as untimely. "A motion under Rule 60(b) must be made within a reasonable time." Fed. R. Civ. P. 60(c). Under Southern District of New York Local Civil Rule 6.3, a party must serve a motion for reconsideration "within fourteen (14) days after the entry of the Court's determination of the original motion, or . . . within fourteen (14) days after the entry of the judgment." S.D.N.Y. Local Civ. R. 6.3. Jackson's December 7 motion was filed over fourteen years after the decision denying his petition for a writ of habeas corpus, and over thirteen years after the Second Circuit issued its mandate denying his motion for a certificate of appealability. A delay of over a decade does not allow for a finding that he filed his motion within a "reasonable time" under Rule 60(c).

Further, the motion should be denied as meritless. A motion for reconsideration is an "extraordinary request" that will generally be denied unless "the moving party can point to


controlling decisions or data that the court overlooked -- matters, in other words, that might reasonably be expected to alter the conclusion reached by the court." Van Buskirk v. United Group of Companies, Inc., 935 F.3d 49, 54 (2d Cir. 2019) (citation omitted). Jackson's December 7 motion reiterates an argument that he originally raised in his 2003 habeas petition: that he was illegally arrested in New Jersey by New York City police officers. But this argument was addressed when Jackson's 2003 habeas petition was denied in 2006, and there is nothing in the December 7 motion to suggest that there is any error in that determination. Therefore, it is hereby

ORDERED that the December 7 Motion is denied. In addition, the Court declines to issue a certificate of appealability since Jackson has not made a substantial showing of a denial of a federal right. Appellate review is therefore not warranted. Love v. McCray, 413 F.3d 192, 195 (2d Cir. 2005). The Court also finds pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith. Coppedge v. United States, 369 U.S. 438, 445 (1962).

IT IS FURTHER ORDERED that the Clerk of Court shall mail Jackson a copy of this Order and note mailing on the docket.

SO ORDERED:

Dated: New York, New York
January 13, 2021



DENISE COTE
United States District Judge

COPIES SENT TO:

Stanley Jackson
DIN: 98-A-2485
Fishkill Correctional Facility
271 Matteawan Road
P.O. Box 1245
Beacon, NY 12508-0307